

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

MDL No. 2419  
Docket No. 1:13-md-2419 (RWZ)

**Declaration of Maura K. Monaghan**

I, Maura K. Monaghan, declare as follows:

1. I am a member of the law firm of Debevoise and Plimpton LLP.
2. I am submitting this Declaration in support of non-party Summit Surgery Center's ("Summit") Motion to Quash 30(b)(6) Deposition by Written Questions.
3. Summit received a subpoena from Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard DiVerniero, M.D. and Richard Strauss, M.D. (the "Premier Defendants").
4. I first spoke with counsel for the Premier Defendants on November 4, 2015. I advised counsel at that time that Summit had no connection to the MDL and suggested that the subpoena should be withdrawn because Summit lacked any relevant

information. Counsel advised me of the Plaintiff Steering Committee's motion for a protective order and indicated that Summit did not need to respond to the subpoena until the Court ruled on that motion.

5. I spoke with counsel for the Premier Defendants again on February 9, 2016. I informed counsel that Summit had not purchased methylprednisolone acetate ("MPA") that was manufactured by New England Compounding Pharmacy, Inc. ("NECC") and reiterated that Summit had no connection to the MDL. I pointed out that the Premier Defendants' motion indicated that they were seeking to depose purchasers of MPA, and that Judge Boal's Order similarly referred to purchasers of MPA. I asked counsel to consider withdrawing the subpoena that was served on Summit, but counsel declined to do so.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 29, 2016

/s/ Maura K. Monaghan